



Government Gazette

FOR THE COLONIES OF
VANCOUVER ISLAND AND BRITISH COLUMBIA.

PUBLISHED BY AUTHORITY.

No. 12.] VICTORIA, VANCOUVER ISLAND, SATURDAY, NOVEMBER 26, 1859. [PRICE 6D

COLONIAL SECRETARY'S OFFICE.
Victoria V. I., 18th November, 1859.

The following opinion of the Attorney General with reference to the transfer of real estate is herewith published for general information.

By Command,
WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

NUMEROUS applications for Title Deeds to the town lots in British Columbia have been made which cannot, unfortunately, be granted; the English law, which has ruled in British Columbia since the formation of the colony, required that every valid transfer of an estate in land must be made by a writing, sealed and delivered by the party transferring, and that the word "heirs" should be coupled with the name of the person to whom the transfer is made, if any greater estate than an estate for life is intended to pass. The right to complete a purchase of a town lot commenced by some other person, and the right to the land in full by the person transferring, are both interests in land requiring the above formalities for their valid transfer, and in both cases the word "heirs," should have been used. Hence I am unable to issue Crown Grants to sub-purchasers who are unable to produce a Deed, signed and sealed by the original purchaser from the Crown.

A measure to remedy past evils shall be immediately prepared.

(Signed) George Hunter Cary.

TENDERS are invited for BILLS in sums not less than £250, drawn on the LORDS COMMISSIONERS of Her Majesty's Treasury, London.

September 7th, 1859, W. DRISCOLL GOSSET,
Treasurer.

COLONIAL SECRETARY'S OFFICE,
Victoria, V. I., 19th November, 1859.

The following opinion of the Attorney General upon the subject of the lands allotted to settlers in the Chemanis District, is herewith published for general information.

By Command,
WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

I AM of opinion that the contract disclosed by the correspondence concerning the Chemanis settlement contains nothing which clothes a petitioner or claimant with the right to sell his allotment. I am farther of opinion that the vendor loses his claim by selling, and that the purchaser, from such claimant, would take nothing by his purchase; and I would recommend that, at some future period, a right to sell shall be given to every settler who has improved and settled his land to a certain extent, and that bona fide settlers should be confirmed in their claims. But in order to prevent the land from being taken for speculative purposes (which has already occurred to a great extent,) I would suggest that the license in question should be retained at present, and that a registry of claimants should be at once opened. If such a course as I have suggested is taken, the speculator cannot, any more than now, hold his land without settlement and improvement, much less sell it: he would not therefore claim, but leave to the bona fide settler a fair proportion of the useful land.

(Signed) George Hunter Cary.

COLONIAL SECRETARY'S OFFICE,

Victoria, Vancouver Island, Nov. 15, 1850.

The following letter from Mr. William Downie, giving an account of his journey from Victoria to Queen Charlotte's Island, and thence by Fort Simpson to Fort St. James, Stuart Lake, is herewith published for general information.

STUART'S LAKE, Oct. 10th, 1839.

SIR,—I beg to make the following report of my trip to Queen Charlotte's Island, and my journey thence by Fort Simpson to the interior of British Columbia. I left Victoria on the 27th July, in company with 27 practical miners, having stores, &c., for 3 months; we arrived in Gold Harbor, Queen Charlotte's Island, safely on the 6th August, and immediately set about prospecting, as we expected to see the gold shining in the water.

We examined the spot where a large quantity of gold was formerly taken out, and discovered a few specks of gold in the small quartz seams that run through the slate, (two of the party blasting the rock,) while others prospected round the Harbor.

I then proceeded in a canoe to Douglas Inlet, which runs in to the south of Gold Harbor, hoping to find traces there of the Gold Harbor lead, but without success. The nature of the rock is trap or hornblende, with a few small seams of poor quartz straggling over the surface. Granite was found at the head of this inlet, but not a speck of gold could we discover. Next day we went up an inlet north of Gold Harbor, and here a white rock showed itself on a spur of a mountain, and like old Californians up we must go to see if this was the place where our fortunes were to be made. After a difficult ascent, we found it to be, however, nothing but weather-beaten, sun-dried granite, instead of quartz. Further up the inlet we saw a little black slate and some talcose rock, but nothing that looked like gold. On our return, we found that the men engaged in blasting had given it up, the few surface specks being all the gold that could be found. The character of the rock is generally trap or hornblende.

The large amount of gold that was formerly found with so little difficulty, existed in what is called an offshoot or blow. The question then arises, how did the gold get here? Some of our party were of opinion that a gold lead existed close at hand. But it can only be put down to one of those extraordinary freaks of nature so often found in a mineral country. The offshoot in question is not uncommon; I have often seen them in California; on such a discovery being made, hundreds of miners would take claims in all direction over it, and test the ground in every way, but nothing further could be found except in the one spot, about 70 feet in length, running SE and NW. On being worked about 15 feet it gave out. Before it was worked I have blown the sand off a vein of pure gold. I then proposed to test the island further, so we started for the Skidegate channel, at the Cossver Indian village where we were wind-bound; the appearances were more favorable, talcose slate, quartz, and red earth. We tried to discover gold, but without success. Sulphuret of iron was found in abundance, and we discovered traces of previous prospectings. The Indians understand the search for gold well and detect it in the rocks quicker than I can.

The sea coast from the Cossver village to Skidegate channel is the wildest spot I have ever been in, and we did not care to hunt for gold in such a place. Five Indians were drowned here to-day while fishing.

At the Skidegate channel we found black slate with quartz prevailing; further to the north granite appears, and then sandstone and conglomerate, and as we were now in a coal country, it was no use to look for gold. We saw coal here, but I cannot speak as to its quality, not being a judge of it; the formation is similar to that of Nanaimo. From here we returned to Gold Harbor. A party who had remained behind at Gold Harbor to prospect inland, had met with no better success than ourselves; we then consulted what was the best thing to do. I did not wish to return to Victoria, as your Excellency had desired me to explore some of the inlets on the main land, so with a party of 14 men I left Gold Harbor for Fort Simpson, and arrived in 8 days. The N. W. coast of Queen Charlotte's Island is a low, sandy, and gravel flat, having no resemblance to a gold country.

I left Fort Simpson for the Skeena river, on the 5th of August. From Fort Simpson to Fort Essington is about 40 miles. The salt water here appears a light blue color, and runs inland about 30 miles; the coarse grained quartz of Fort Simpson is no longer seen here; granite appears. The banks of the river are low; with small hard wood, and cotton trees on its margin, with some good-sized white oaks, the finest I have seen west of Fraser River.

Vessels drawing more than 4 feet of water cannot go more than 20 miles up the Skeena river, and it is very unlike the deep inlets to the southward. At our camp here, some Indians visited us, they told us they were honest, but in the morning, the absence of my coat rather negatived their statement. Next day we found the river shoal even for loaded canoes as it had fallen much. I went up a small river at our next camp, called Scenatoys, and the Indians showed me some crystallized quartz, and to my surprise a small piece with gold in it, being the first I have seen in this part. The Indian took me to a granite slide, whence he asserted the piece of quartz in question had come from; I found some thin crusts of fine quartz, but nothing like a rich vein. 10 miles further I found more fine grained quartz, but no gold. I am of opinion, however, that good paying quartz will be found here.

From the small river just mentioned at the mouth of the Skeena or Fort Essington, it is 75 miles; a little below it, an Indian trail leads to Fort Simpson, it is through a low pass, and the distance is not great.

From this, 10 miles further up, is a small river called the Foes, on the south side; hence is an Indian trail to Kitloops, on the Salmon River. The south branch of Salmon River is called Kittama.

By this time we were fairly over the coast range of mountains, and those ahead of us did not look very high. The current here was strong, and much labor required to get the canoe along, and we had to pull her up, by a rope from the shore.

Gold is found here, a few specks to the pan, and the whole country looks like a gold country with fine bars and flats, and clay on the bars. The mountains look red, and slate and quartz can be seen.

Our next camp was at the village of Kitthalaska, and I started in a light canoe ahead of my party, as our canoe, by all accounts, could not get much further; I then determined to penetrate to Fort Fraser, (supposed to mean establishment of H. B. Company.)

The Indian who was with me informed me that a large stream called the Kitchumsala, comes in from the north, the land on it is good, and well adapted for farming; the Indians grow plenty of potatoes here. To the south, a small stream called the Chimkootsh enters, on the south west of which is the Plumbago Mountain, I had some of it in my hand; it is as clear as polished

silver, and runs in veins of quartz. Near this is the words "Pioneer H. B. C." on a tree nearly overgrown with the bark. The Indian told me this was cut by Mr. John Work, a long time ago. From here to the village of Kitcoonsa, the land improves, the mountains recede from the river, and fine flats run away 4 or 5 miles back to the mountain sides, where the smoke is seen rising from the Indian huts; they are occupied in picking and drying berries for the winter. The Indians here were very kind to me, and wished me to build a house and live with them.

Above the village of Kitcoonsa the prospect of gold is less; below it, a man could make a dollar a day. As the season was so advanced I was not able to prospect the hills which look so well about here, and unless the Government take it in hand it will be a long time before the mineral resources of this part of British Columbia are known. I think this is the best looking mineral country I have seen in British Columbia.

From here to the village of Kitsogatala the river is rocky and dangerous, and our canoe was split from stem to stern.

Here we enter an extensive coal country, the seams being cut through by the river, and running up the banks on both sides, varying in thickness from 3 to 35 feet.

The veins are largest on the north east side, and sandstone appears; it is soft, and gives easily to the pick.

The veins dip into the bank for a mile in length, and could be easily worked on the face by tunnels, and also by sinking shafts at the rear on the flats, as they run into banks of soft earth. I have seen no coal like this in all my travels in British Columbia or Vancouver Island. Here we had some danger from Indians, but a small present of tobacco, and putting aside all fear, or even appearance of it, succeeded in quieting them. I find it best to be cool and determined in the prospect of a fight.

We could go no further than Kittalaska or the Forks of the Skeena in the canoe, and had been 20 days from Fort Simpson, although it could have been done in a third of that time.

On the 21st September, I left this place with 2 white men and 2 Indians, and started over a fine trail through a beautiful country for Fort Fraser; we crossed over an Indian suspension bridge, and entered some first-rate land, our course being about east, and journeyed about 12 miles. Next day, it rained hard, but we managed to get over 12 miles, passing through as fine a farming country as one could wish to see. To the south east a large open space appears, and I learn that a chain of lakes runs away here, and I found it was the proper way to Fort Fraser, but as I always follow the Indian guides implicitly, I did so on this occasion. The 3d day the weather was fine, but the trail not so good along the base of the mountains. Below the trail is good and the grass abundant. My Indian started after a goat up the mountain but was soon driven back by 3 bears. 4th day we crossed what is called the rocky pass, which may be avoided by keeping the bottom. To the north could be seen a chain of mountains covered with snow, about 30 miles distant, where the H. B. C. have a trading post called Bear Fort; south is the Indian village Kispyasts; along the bottom runs the Skeena pass the village Alagasomdaa. Further up, the village Kithathratsts, on the same river.

5th day, met some dangerous Indians, but we got away from them; passed through a fine country with cotton wood and fine soil. We fired off our pistols on

entering an Indian village to-day, and were surrounded immediately by swarms of Indians; on hearing who we were, they saluted us with the French words *bon jour*. We then entered the village of Naas Glee where the Skeena river rises; here we were on the same river. We left 5 days ago, having travelled 55 miles when we might have come the whole way by the river.

I found much difficulty with the Indians here, and it was fortunate I knew the name of the chief or they would have taken all our property; one wanted my coat, another my boots, my cap was taken off my head, and I thought we should all be murdered. These Indians are the worst I have seen in all my travels. This is a fishing village, and all the bad Indians come here to lead an indolent life. Thousands of salmon were drying here. We hardly knew what to do; the Indians told us it was 10 days travel to the Fort Fraser, and if we ever go back, every thing will be taken from us. I determined, however, to go, if the chief Narra would go with me, and on giving him some presents, he consented to do so. I was never so glad to get away from an Indian village, but I am ready to go again and prospect this country if your Excellency wishes it. The river from Naas Glee downwards is very rapid, but as the banks are low and flat, a waggon road or rail road could easily be made. The land around Naas Glee is first-rate, and wild hay and long grass abounds. Potatoes are not grown here. There is no heavy pine timber in the neighborhood, and the canoes are made of cotton wood.

Above Naas Glee the river was very rapid, and required all our energy, as we had but a small quantity of dried salmon to last five of us for ten days. Ten miles above Naas Glee, is an old Indian village called Whatatt, the shoal water ends here, and we were now on Bavine Lake, going through a fine country. We got over 20 miles this day. The lake is deep and broad. Next morning to my surprise, I found a canoe at our camp with Frenchmen and Indians, in charge of Mr. Gavin Hamilton, an officer in the service of the Hudson Bay Company, from Stuart's Lake, Fort St. James', New Caledonia, on his way to Naas Glee, to purchase salmon. Mr. Hamilton advised me to go back with him to Naas Glee, and then to return to Fort St. James with him in his large canoe, but as I had seen enough of Naas Glee, I refused with thanks, in fact I was very anxious to reach Fort St. James, as I did not wish to be disappointed this time.

Mr. Hamilton expressed his surprise that we had managed to get away from Naas Glee, as we were the first white men who had come through that route, and even he found great difficulty with the Indians there. Having persuaded Narra the chief, to let us have his canoe, we said farewell to Mr. Hamilton, and proceeded on our journey. It was fortunate we sent back our two Indians, otherwise we should have suffered from starvation, as it was we reached Stuart's Lake with difficulty. We made a fine run to-day before a fair wind to Fort Killamaurs, which is only kept up in the winter.

Our course from Naas Glee to Fort Killamaurs, was NE, and the distance about 50 miles. The land is good the whole way, with long grass on the benches near Ft. Killamaurs. This is a very lovely place, and no sound to be heard save one, our voice. It seems a great pity to see this beautiful land, so well adapted for the wants of man, laying waste, when so many Englishmen and Scotchmen would be glad to come here and till the soil. Bavine Lake is deep, and in some places five or six miles wide, there are Islands and points of land to afford shelter from the storm, wherever the wind blows from. From Ft. Killamaurs to head of Bavine is about forty miles

S. S. E., only from the head, down about twenty miles, it runs East and West; we arrived at the head of Bavine about the 7th day after leaving Naas Glee; we had seen no Indians the whole time, and had made a favorable journey, neither had we seen any snow; the country we had passed through is well adapted for farming; of course some of the land is rough and rocky, but on the whole it is a fine country.

At the head of Bavine Lake there is a fine site for a town, and a good harbor could be made. A stream runs down here which would supply water for the town. This is what I call the head waters of Skeena River. There is plenty of water in the lake for steamers, and it is a hundred miles in length. From here to Stuart's Lake there is a portage over a good trail, and through the finest grove of Cotton wood I have ever seen, to Stuart's Lake; the ground was thickly strewn with golden leaves, giving the scene an autumnal appearance, altogether different to what we expected to find in British Columbia.

Six miles from Bavine we came on a small lake where were some Indians fishing for herring. They appeared undecided whether to run or remain, on seeing us; I asked them for some food, and we soon had some fish provided for us, after which we were much refreshed, and paying the Indians for it we started again. From here a small stream runs through fine rolling land to Stuart's Lake, about four miles distant.

Arrived at Stuart's Lake we found no means of crossing, no Indians to direct us, and no food to sustain us, neither had we any shot to enable us to kill ducks, which we could have done, had the means been present. We camped here three nights without food, sleeping the greater part of the time to stifle our hunger.

The only thing that supported us was the grand idea of the enterprise we were engaged in, that of being the first party to explore the route from the Pacific to Fraser River, which will one day connect the Atlantic with the Pacific Ocean.

We had however to see what could be done to get us free of our present straits. One of our party found an old split canoe, and rigged a raft of logs on which to put the canoe, while I returned to the Indians I have mentioned before, and purchased a few herrings. I walked back to the camp with difficulty, and found my limbs giving way.

Next morning we started on our frail raft, expecting every moment that she would go down with us; we were obliged to sit perfectly still, as the slightest movement would have upset us. A slight breeze then sprung up, and a small sea washed over us, we bore away to a lee shore, and kind Providence sent an Indian to succour us, he welcomed us with a bon jour, and invited us to his lodge and gave us salmon-trout, which were most excellent. We have at last reached here in safety with thankful hearts for our preservation through so many dangers.

We stayed a night with the Indian, and gave him a blanket to take us to the Fort. We abandoned our old canoe without regret, and proceeded towards Fort St. James, the Indians all along here were very kind to us, and seem a good set of people; about half way across the lake we obtained a small prospect of gold. On the north side of the lake, about 20 miles, the ground is rocky, but south of the lake towards Fort St. James, the land is as good as can be, and will produce anything.

We reached Fort St. James on the 9th October, and were received by Mr. Peter Ogden, with that kindness and hospitality I have always found at the Hudson's Bay posts.

The Fort stands on a high bench, exposed to all the winds, and it is colder here than at any other part since I left Skeena river.

Stuart's Lake is 50 miles long; the portage to Bavine 10 miles. Bavine Lake, 100 miles to Naas Glee, course about SE and NW; from Naas Glee to Fort Simpson 250 miles; and 200 miles from Fort Simpson to Gold Harbor, Queen Charlotte Island.

The names of the two men who accompanied me are William Manning, an Englishman, and Frank Choteau, a French Canadian.

If possible I shall prospect the Fraser River a little further this fall. I am, &c.

WILLIAM DOWNIE.

To His Excellency,

GOVERNOR DOUGLAS, C. B., &c., &c.

Printed every SATURDAY, by LEONARD MCCLURE, at the Office, Langley-street, off Yates-street, Victoria, in the Colony of Vancouver Island.